



Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA-2012-0013]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on **[INSERT DATE 31 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**

unless comments are received which result in a contrary determination. Comments will be accepted on or before **[INSERT DATE 30 DAYS FROM DATE PUBLISHED IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The

general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr.,
Department of the Army, Privacy Office, U.S. Army Records
Management and Declassification Agency, 7701 Telegraph Road,
Casey Building, Suite 144, Alexandria, VA 22315-3827 or by phone
at 703-428-6185.

SUPPLEMENTARY INFORMATION: The Department of Army notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on October 11, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: November 14, 2012.

Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of
Defense.

A0190-45 OPMG

System name:

Military Police Reporting System (MPRS) (July 7, 2008, 73 FR
38419).

Changes

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System name:

Delete entry and replace with "Military Police Reporting Program
Records (MPRP)."

System location:

Delete entry and replace with "Decentralized to Army
installations which created the Military Police Report.
Official mailing addresses are published as an appendix to the
Army's compilation of systems of records notices. The official

copy of the military police report and other law enforcement related documents are maintained at the U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134-2253.

Automated records of the Military Police Report are maintained in the Centralized Operations Police Suite (COPS); the Automated Criminal Investigative and Intelligence data file (ACI2) located at Office of the Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800."

Categories of individuals covered by the system:

Delete entry and replace with "Any individual, civilian or military, involved in, witnessing, or suspected of being involved in, or reporting, possible criminal activity affecting the interests, property, and/or personnel of the U.S. Army."

Categories of records in the system:

Delete entry and replace with "Criminal information or investigative files involving the Army which may consist of military police reports or similar reports containing investigative data, supporting or sworn statements, affidavits, provisional passes; receipts for prisoners or detained persons, reports of action taken, and disposition of cases. Specific data to include: Name, Social Security Number (SSN), rank,

date and place of birth, chronology of events; reports of investigation and criminal intelligence reports containing statements of witnesses, suspects, subject and responding Police Officer; summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; Serious or Sensitive Incident Reports, modus operandi and other investigative information from Federal, State, and local investigative and intelligence agencies and departments. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers consisting of driver license numbers, Service component, organization, sex, marital status, height, weight, eye color, hair color, race, ethnicity, complexion, nation of origin, home and work telephone numbers, and citizenship of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, report number which allows access to records noted above; agencies, firms, Army and Defense Department organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files.

Witness identification data consisting of name, SSN, rank, date and place of birth, driver license numbers, Service

Component, organization, sex, marital status, height, weight, eye color, hair color, race, ethnicity, complexion, nation of origin, home and work telephone numbers, and citizenship."

Authority for maintenance of the system:

Delete entry and replace with "10 U.S.C. 3013, Secretary of the Army; 18 U.S.C. 921-922, Brady Handgun Violence Prevention Act; 28 U.S.C. 534, Uniform Federal Crime Reporting Act of 1988; 42 U.S.C. 5119 et seq., National Child Protection Act of 1993; 42 U.S.C. 10607, Victims' Rights and Restitution Act of 1990; Section 105 of the Immigration and Naturalization Act of 1952; DoD Directive 10310.1, Victim and Witness Assistance; Army Regulation 190-45, Military Police Law Enforcement Reporting; Army Regulation 195-2, Criminal Investigative Activities; and E.O. 9397 (SSN), as amended."

Purpose(s) :

Delete entry and replace with "Provides detailed criminal investigative information to Commanders and designated Army officials to foster a positive environment, promote and safeguard the morale, physical well-being and general welfare of Soldiers in their units. Enables the maintenance of discipline, law, and order through investigation of complaints and incidents

and possible criminal prosecution, civil court action, or regulatory order in accordance with United States Law.

To conduct criminal investigations, crime prevention, prevention of high risk behavior and criminal intelligence activities; to accomplish management studies involving the analysis, compilation of statistics, and quality control, to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism. Includes personnel security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Department of the Army.

To provide brigade-level or higher commanders with criminal history reports, in accordance with Army Policy, to identify Soldiers with founded criminal offenses and open investigations occurring during their period of service.

To determine suitability for access or continued access to classified information; suitability for promotion, employment, or assignment; suitability for access to military installations or industrial firms engaged in government projects/contracts; suitability for awards or similar

benefits; use in current law enforcement investigation or program of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; advising higher authorities and Army commands of the important developments impacting on security, good order or discipline; reporting of statistical data to Army commands and higher authority."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and replace with "In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information concerning criminal or possible criminal activity is disclosed to Federal, State, local and/or foreign law enforcement agencies in accomplishing and enforcing criminal laws; analyzing modus operandi, detecting organized criminal activity, or criminal justice employment. Information may be disclosed to foreign countries under the provisions of international agreements and arrangements including the

Status of Forces Agreements regulating the stationing and status of DoD military and civilian personnel, or Treaties.

To the Department of Veterans Affairs to adjudicate veteran claims for disability benefits, post-traumatic stress disorder, and other veteran entitlements.

To Federal, state, and local agencies to comply with the Victim and Witness Assistance Program and the Victims' Rights and Restitution Act of 1990, when the agency is requesting information on behalf of the individual.

To Federal, state, and local law enforcement agencies for the purposes of complying with mandatory background checks, i.e., Brady Handgun Violence Prevention Act (18 U.S.C. 922) and the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

To Federal, state, and local child protection services or family support agencies for the purpose of providing assistance to the individual or their family members.

To victims and witnesses of a crime for purposes of providing information consistent with the requirements of the Victim

and Witness Assistance Program, regarding the investigation and disposition of an offense.

To the Immigration and Naturalization Service, Department of Justice, for use in alien admission and naturalization inquiries conducted under Section 105 of the Immigration and Naturalization Act of 1952, as amended.

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may also apply to this system."

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Retrievability:

Delete entry and replace with "By individual's name, date of birth, SSN, and case number."

Safeguards:

Delete entry and Replace with "Access to system with sensitive information is controlled by DoD Common Access Card authentication with PKI encryption for authorized users having a need to know.

Criminal Records Reports will be sent via authorized government electronic mail with PKI encryption only to the brigade-level or higher commanders with a need-to-know. Need to know includes persons whose official duties require access to information for purposes relating to risk assessment and management (e.g. The Soldier's chain of command, unit legal officers/NCO, adjutants).

Paper Records stored in secure container/file cabinet with access restricted to those with a need to know includes persons whose official duties require access to information for purposes relating to risk assessment and management (e.g. The Soldier's chain of command, unit legal officers/NCO, adjutants)."

Retention and disposal:

Delete entry and replace with "Criminal investigations data/information is sent to the Crime Records Center where it is retained 40 years after date of final report, all other data/information in the electronic file is destroyed after 5 years.

Soldier's Criminal history reports sent to commanders are deleted or destroyed by shredding after the Soldier departs the unit."

System Manager(s) and Address:

Delete entry and replace with "Office of the Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800."

Notification Procedure:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134-2253."

Individual should provide the full name, SSN, date and place of the incident.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C 1746, in the following format:

If Executed Outside the United States:

`I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'.`

If executed within the United States, its territories, possessions, or commonwealths:

`I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'"

Record Access Procedures:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134-2253.

Individual should provide the full name, SSN, date and place of the incident and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C 1746, in the following format:

If Executed Outside the United States:

`I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'. .

If executed within the United States, its territories,
possessions, or commonwealths:

`I declare (or certify, verify, or state) under penalty of
perjury that the foregoing is true and correct. Executed on
(date). (Signature).'"

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[FR Doc. 2012-28012 Filed 11/16/2012 at 8:45 am; Publication
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